



Handwritten initials: JMW and DAC

00862.022205.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yoshiyuki NAGAI et al.	: Examiner: M. Landau
)
Application No.: 09/839,139	: Group Art Unit: 2815
)
Filed: April 23, 2001	: Confirmation No.: 1616
)
For: LASER OSCILLATION APPARATUS, EXPOSURE	: Issue Fee Paid: August 30, 2004
APPARATUS, SEMICONDUCTOR DEVICE)
MANUFACTURING METHOD, SEMICONDUCTOR	: April 27, 2005
MANUFACTURING FACTORY, AND EXPOSURE	:)
APPARATUS MAINTENANCE METHOD)

Office of Patent and Legal Administration

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)

Sir:

Patentee hereby requests the Commissioner under 37 C.F.R. §1.705(d) for reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified Patent. The Commissioner is hereby authorized to charge all fees associated with this request to Deposit Account No. 06-1205.

For at least the following, this Patent is believed to be entitled to a PTA of 150 days.

FACTS

- (1) The subject Patent issued from Application No. 09/839,139, filed April 23, 2001.
- (2) The subject Patent is not subject to any terminal disclaimers.
- (3) The Patent Application Information Retrieval (PAIR) system of the U.S. Patent and Trademark Office (PTO) indicates Applicant-Delay periods of 123 days. The PAIR system also indicates a PTO-Delay period of 181 days.. The Applicant-Delay period of 123 days is disputed, for the reasons provided below.
- (4) In the Office Action mailed December 17, 2003, it was stated that the drawings filed on April 23, 2001 (Application filing date) are accepted and in the following Office Action mailed July 2, 2003, there were no objections to the drawings.
- (5) In the Office Action mailed January 14, 2004, the drawings filed April 23, 2001 were objected to and correction was required to label Figure 12 as "PRIOR ART".
- (6) Patentee filed a Letter Transmitting Corrected Formal Drawings on April 14, 2004 within the time period allowed for response to the Office Action of January 14, 2004.
- (7) The Determination of Patent Term Adjustment accompanying the Notice of Allowance indicated an adjustment of 68 days and the Issue Notification determination indicated an adjustment of 58 days.

(8) The PAIR system indicates USPTO delay of 181 days, Applicant delay of 123 days, 92 days attributed to "Workflow - Drawings Finished" and 31 days attributed to "Response after Non-Final Action", and total Patent Adjustment Term of 58 days.

ARGUMENT

The objection to the drawings in the above-identified application was made after Patentee was notified that the Drawings were acceptable. In response to the drawing objection, a Letter Transmitting Corrected Formal Drawings with a corrected formal drawing was filed on April 14, 2004 within the time period allowed for response. Accordingly, it is not seen that Patentee was in any manner responsible for a delay in the preparation of formal drawings.

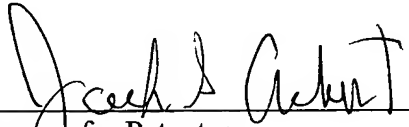
RELIEF REQUESTED

Wherefore, reconsideration of the Patent Term Adjustment is respectfully requested, in which the Applicant-Delay period of 123 days is changed to 31 ($123-92=31$), leaving a PTA of 150 days.

CONCLUSION

Patentee's attorney, Steven E. Warner, may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Patentee
Jack S. Cubert
Registration No. 24,245

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
JSC/lp